

### **REMARKS/ARGUMENTS**

The Office Action of March 29, 2006 has been carefully reviewed and this paper is Applicants' response thereto.

Claims 1-3, 5-9, 11-19, 22-23, 28-39, 41-44, 47 and 54-58 are pending. Claims 1, 13-14, 29-30, 41, 56 and 58 are amended. Claims 4, 10, 20-21, 24-27, 40, 45-46, 48-52 and 59 are cancelled. Claims 12, 16, 17, 28 and 32-34 were deemed allowable. Claim 54 stands objected to for informalities. Claims 1-3, 5-9, 11, 13-15, 18-23, 25-27, 29-31, 35-39, 41-43, 46, 47 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat No. 5,531,297 to Pipan (Pipan). Claims 52 and 54-59 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,902,305 to Berger *et al.* (Berger).

#### **Allowed Claims**

As an initial matter, Applicants would like to express their appreciation regarding the allowability of claims 12, 16, 17, 28 and 32-34. Applicants respectfully submit that additional allowable subject matter exists and the following remarks are directed thereto.

#### **Amended Claims**

Claims 1, 13-14, 29-30, 41, 54-56 and 58 have been amended.

Claim 1 has been amended to recite "a lever pivotably attached to the saddle member and cooperating with the housing..." Support for this is at least found in Figure 3a and paragraph 28 of the Specification as filed, thus no new matter has been added.

Claim 13 is amended to recite "an engaging surface integrated into the housing for engaging the elongate member." As this limitation was previously recited in cancelled dependent claim 20, no new matter has been added.

Claim 14 is amended to depend on claim 13 rather than be an independent claim, thus no new matter has been added.

Claims 29 and 30 have been amended to recite "a lever cooperating with the platen and the saddle member for moving." Support for the amendment is at least found in Figures 11 and 12 and in paragraph 42 of the specification as filed, thus no new matter has been added.

Claim 41 is amended to depend on claim 29. Applicant submits that claim 41 is allowable for at least the reasons proffered below supporting the allowability of claim 29.

Claim 54 has been amended to further recite “applying a clamping force to the elongate member through a saddle member by rotating a lever about a pivotal coupling point between the saddle member and the lever” and support for this amendment is at least found in Figure 3b and paragraph 28 of the specification as filed, thus no new matter has been added.

Claim 55 has been amended to further recite “applying a clamping force to the elongated member through a platen and a saddle member in cooperation with a lever.” Support for this amendment is at least found in Figures 11 and 12 as well as the associated written description, thus no new matter has been added.

Claim 56 is amended to recite “a lever cooperating with the housing and the saddle member for moving the saddle member relative to the housing.” Support for this is at least found in Figure 3b and paragraph 28 of the specification as filed, thus no new matter has been added.

Claim 58 is amended to recite “a tensioning tool configured to releasably assemble to the housing” and this limitation was previously found in cancelled dependent claim 59, thus no new matter has been added.

#### **Cancelled Claims**

Claims 4, 10, 20-21, 24-27, 40, 45-46, 48-52 and 59 are cancelled, thus mooting the rejections of these claims. The cancelling of claims 4, 10, 20-21, 24-27, 40, 45-46, 48-52 and 59 is without prejudice to the refiling of similar claims in a continuation application.

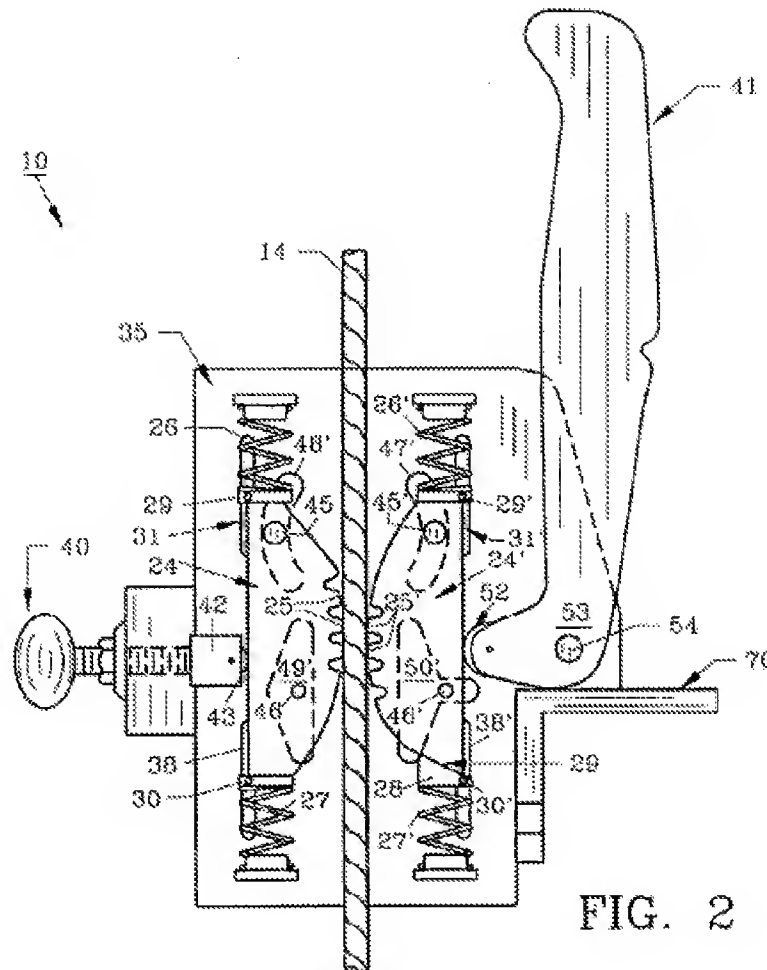
#### **Objections**

The Office Action objects to claim 54 for missing a claim number and claim identifier. It appears that the truncation of claim 54 was caused by faxing error. The included Listing of Claims provided with this response includes a full copy of claim 54, obviating this objection.

#### **Rejections Under 35 U.S.C. § 102(b) - Pipan**

Claims 1-3, 5-9, 11, 13-15, 18-23, 25-27, 29-31, 35-39, 41-43, 46, 47 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pipan. Claims 20-21, 25-27, 46 and 52 are cancelled, thus mooting the rejection of these claims. Claims 1, 13, 29, 30 and 47 are independent.

Independent claim 1 as amended recites “a lever pivotally attached to the saddle member and cooperating with the housing.” Figure 2 of Pipan is provided below:



The Office Action appears to be reading the 24, 24' as a platen and saddle member. However, even if the Office Action's characterization is used, Applicant submits that the above recited limitation of claim 1 is still not found in Pipan. As can be plainly seen from Figure 2, the handle 41 is not pivotally attached to either of the jaws 24, 24'. (See Pipan, C. 3, L. 29-32). Indeed, Applicants have been unable to location any portion of Pipan that discloses a pivotal attachment of a lever to a saddle member. Therefore, Pipan cannot be said to disclose all the limitations of

claim 1. As Pipan fails to disclose at least one limitation of claim 1, Pipan cannot be said to anticipate claim 1.

Claims 2-3, 5-9 and 11 depend on independent claim 1 and are not anticipated by Pipan for at least the reasons discussed with respect to claim 1 and for the additional limitations recited therein. For example, dependent claim 11 recites a lever “pivotably attached to the saddle member in a slot, the slot being formed in the saddle member and having at least two distinct positions allowing the lever to pivot from at least two positions.” Applicant submits that such a feature is not found in Pipan because handle 41 is not pivotally attached to what the Office Action is reading as a saddle member in the first place, let alone to a slot as recited in claim 11.

Independent claim 13 as amended recites “an engaging surface integrated into the housing.” As can be appreciated by Figure 2 of Pipan, provided above, the engaging surfaces 25, 25’ are not integrated into housing 13, but rather are integrated into jaws 24, 24’, respectively. Accordingly, Pipan fails to disclose at least one limitation of claim 13. As Pipan fails to disclose at least one limitation of claim 13, Pipan cannot be said to anticipate claim 13.

Claims 14-15, 18-19 and 22-23 depend on independent claim 13 and are not anticipated by Pipan for at least the reasons discussed with respect to claim 13 and for the additional limitations recited therein.

Independent claims 29 and 30 as amended both recite “a lever cooperating with the platen and the saddle member.” Applicants respectfully submit that this limitation is not found in Pipan. Although handle 41 of Pipan may be considered to cooperate with jaw 24’ by acting directly on it, handle 41 does not cooperate with jaw 24 as can be readily appreciated from the above provided Figure 2 of Pipan. Instead, jaw 24 engages handline 14 only by means of springs 27, 27’ and the threaded jaw adjusting member 40. (Pipan, C. 3, L. 33-52). Therefore, as Pipan fails to disclose at least one feature of claims 29-30, Pipan cannot be said to anticipate claims 29-30.

Claim 31 depends on claim 30 and is not anticipated for at least the reasons discussed with respect to claim 30 and for the additional limitations recited therein. Claims 35-39, 41- 43 depend from independent claim 29 and are not anticipated by Pipan for at least the reasons discussed with respect to claim 29 and for the additional limitations recited therein.

Claim 44 recites a limitation similar to the limitation discussed above with respect to claims 29 and 30 and is not anticipated by Pipan for at least the reasons discussed with respect to claims 29 and 30 and for the additional limitations recited therein.

Independent claim 47 recites a “means for selectively moving the platen and saddle member relative to the housing.” Applicants respectfully submit that while a means for something can be said to read on equivalents of the structure disclosed in the specification, the use of the threaded jaw adjusting member as disclosed by Pipan cannot fairly be considered an equivalent of the structure disclosed in the specification as filed. Therefore, Pipan cannot be said to disclose all the limitations of claim 47 and fails to anticipate claim 47.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 102(b) - Berger**

Claims 52 and 54-59 were rejected under 35 U.S.C. § 102(b) as being anticipated by Berger. Claims 52 and 59 are cancelled, thus mooted the rejection of these claims. Claims 54-56 and 58 are independent.

Independent claim 54 has been amended to recite “applying a clamping force to the elongate member through a saddle member by rotating a lever about a pivotal coupling point between the saddle member and the lever.” As Berger fails to disclose a lever pivotally coupled to a saddle member, Berger cannot be said to disclose such a limitation. Accordingly, as Berger fails to disclose all the limitations of claim 54, Berger cannot be said to anticipate claim 54.

Independent claim 55 has been amended to recite “applying a clamping force to the elongated member through a platen and a saddle member in cooperation with a lever.” The Office Action has not suggested that Berger discloses such a limitation nor does such a suggestion appear to be supported by Berger. Accordingly, as Berger fails to disclose all the limitations of claim 55, Berger cannot be said to anticipate claim 55.

Independent claim 56 has been amended to recite “a lever cooperating with the housing and the saddle member for moving the saddle member relative to the housing.” The Office Action has not suggested that the lever disclosed by Berger cooperates with the housing and the saddle member, nor does such an argument seem supported. Therefore, as Berger fails to disclose all the limitations of claim 56, Berger cannot be said to anticipate claim 56.

Independent claim 58 as amended recites a system comprising “a tensioning tool configured to releasably assemble to the housing.” In rejecting this claim, the Office Action characterizes the interface between the actuating button 68 and the hole accommodating the actuating button on the housing 14, as disclosed in Berger, as the interface between a clamping device and a tensioning tool. Even under the Office Action’s characterization, however, Applicants respectfully submit that Berger fails to disclose a tensioning tool configured to releasably assemble to the housing. Indeed, Berger does not appear to even contemplate such a possibility and nothing in Berger discloses a tensioning tool so configured. Therefore, as Berger fails to disclose at least one limitation of claim 58, Berger cannot be said to anticipate claim 58.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

### **CONCLUSION**

All rejections and objections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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